



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Seventh day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21722 of 2018

PANDIAN

... PETITIONER /1st ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
KUMULI POLICE STATION,
THENI DISTRICT
Crime No. 55 of 2010

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.V.SANTHAKUMARESAN Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is in judicial custody since 03.08.2018 for the offences punishable under Section 376 of IPC , in S.C.No.161 of 2011 pending on the file of the Mahila Court, Theni. He seeks bail.

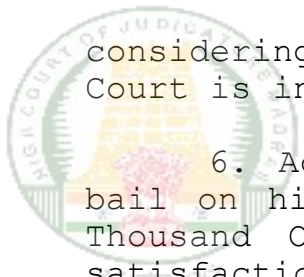
2.The petitioner was absent during the trial in S.C.No.161 of 2011 pending on the file of the file of the Mahila Court, Theni. Thereby, Non Bailable Warrant came to be issued. Pursuant to the same, the petitioner was arrested and remanded to judicial custody on 03.08.2018

3.The learned counsel for the petitioner would submit that the petitioner is an innocent. The petitioner was not able to appear before the trial court on 03.08.2018. The learned counsel undertakes that the petitioner shall appear before the court below regularly on all future hearing dates without fail. Hence, he prays for grant of bail to the petitioner.

4. Heard the learned Government Advocate(Crl.Side) appearing for the state.

<https://hcservices.ecourts.gov.in/hcservices/>

5.Considering the above facts and circumstances and also



considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the Mahila Court, Theni and on further condition that:

[a] the petitioner shall appear before Sessions Court on all hearing dates without fail.

[b] the petitioner shall not tamper with evidence or witness either during trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[e] If the accused thereafter absconds, a fresh FIR Can be registered under Section 229 A IPC.

sd/-
07/12/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDGE MAHILA COURT, THENI.

2. THE INSPECTOR OF POLICE
KUMULI POLICE STATION, THENI DISTRICT.

3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.V.SANTHAKUMARESAN Advocate SR.No.22858

ORDER IN
CRL OP(MD) No.21722 of 2018
Date : 07/12/2018